

REMARKS/ARGUMENTS

Applicants have amended claims 1-4 and 6-9. Applicants have cancelled claims 10-15 and 17-21 without prejudice or disclaimer. Thus, claims 1-9, 16 and 22 are pending in this application.

Claims 1-5, 8, 9, 12-16, 21 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,545,166 to Kielmeyer. Claims 17-20 were rejected under 35 U.S.C. 102(b) anticipated by U.S. Patent No. 4,630,423 to Lind. Claims 6, 7, 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kielmeyer.

Applicants respectfully submit that a key feature of the invention recited in amended claims 1 and 9 is the compression strut. Applicants compression struts, which are indicated in the figures as reference numeral 12, are designed to brace or strengthen a grid by resisting longitudinal compression, thereby preventing uplift. Applicants respectfully disagrees with the Examiner's assertion in the Official Action that such compression struts are represented by element 51 of Kielmeyer.

As described by Kielmeyer at column 2, line 66, element 51 is a "bar joist". Applicants submit that a bar joist, also referred to in the art as a "support joist" or "ceiling joist", is the basic support structure of the previous ceiling, and is akin to a construction beam, not a compression strut. U.S. Patent No. 4,805,855 to Kirby, a copy of which is submitted herewith for the Examiner's convenience, more fully describes a "bar joist" as shown and described by Kielmeyer (See column 1, lines 16-25 and column 3, lines 19-39).

Applicants further submit that another key feature of the invention is the attachment clip which provides positive engagement of the main runner and the compression strut. As recited in amended claim 1, each clip has “a first leg and second leg, the first leg being fixedly secured to a main runner and the second leg being fixedly secured to a compression strut.” (Emphasis added.) The Examiner states in the Official Action that a clip is shown by Kielmeyer as a combination of elements 39, 32, 30, 28, 24 and 25. The Examiner further asserts that the clip has a first leg (25) fixedly secured to the main runner and a second leg (39) fixedly secured to a compression strut.

As discussed above, Applicants submit that Kielmeyer does not describe or suggest Applicants’ compression strut. It therefore follows that Kielmeyer does not describe or suggest the limitation recited in claim 1 that a leg of the clip is fixedly secured to a compression strut.

As Kielmeyer does not describe or suggest all of the elements recited in claims 1 and 9, Applicants request that the rejection of claims 1-9, 16 and 22 based on sections 102(b) and 103(a) be withdrawn.

Additionally, as Kielmeyer does not describe or suggest all of the elements recited in claim 1, Kielmeyer’s structure would not inherently meet an uplift classification 90 as recited in claim 5.

As Kielmeyer does not describe or suggest all of the elements recited in claims 1, 5 and 9, Applicants request that the rejections of claims 1-9, 16 and 22 based on sections 102(b) and 103(a) be withdrawn.

In view of the above, Applicants respectfully request that the Examiner reconsider the claims as amended. It is respectfully submitted that independent claims 1 and 9 and all claims which depend therefrom are believed to be in a condition for allowance. It is requested that the Examiner contact Applicants' undersigned representative at the telephone number listed below should this response not be deemed to place the application in consideration for allowance.

Respectfully submitted,

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